

REMARKS

Claims 1-6 are currently pending in the present application. Claim 1 has been amended in the expectation that the amendments will place this application in condition for allowance. The amendments do not introduce new matter within the meaning of 35 U.S.C. § 132. Accordingly, entry of the amendments is respectfully requested.

1. Claim Rejections under 35 U.S.C. §112, 2nd Paragraph

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated:

“In claim 1, line 8, the words ‘on the’ do not agree with the words preceding. The words ‘end plates’ do not appear to have antecedent basis. In lines 10-11 the words ‘both side centers from anode plate’ are not clear and confusing as to where is the location claimed. In line 15, the words ‘through each electrode’ appear to be misdescriptive because the electrodes do not appear to be porous. In lines 15-16, is the anode reaction chamber and cathode reaction chamber the same as the anode chamber and cathode chamber?”

Response

Applicant respectfully traverses this rejection. Claim 1 has been amended for clarity, punctuation, and to correct the apparent lack of antecedent basis noted by the Examiner. Specifically, “on the” has been deleted on line 8, which makes the antecedent basis issue with “end

plates" moot; the phrase "side centered from anode plate (11) and cathode plate (21)," has been deleted on lines 11 and replaced with --sides--; the phrase "among them" has been deleted on lines 12-13; and the word "go" has been replaced with --pass-- on line 15.

Further, in response to the Examiner's question, the anode chambers (10) and the cathode chambers (20) are different features than the anode passage (12) and the cathode passage (22), and the anode reaction chamber (13) and the cathode reaction chamber (23). See for example, page 2, line 31 to page 4, line 18.

Applicant submits that these amendments remove the bases for the rejection and place the claims in condition for allowance. Applicant respectfully requests that the rejection under 35 U.S.C. § 112, 2nd paragraph be withdrawn.

2. Terminal Disclaimer

Applicant thank the Examiner for reviewing, accepting, and recording the terminal disclaimer filed on June 21, 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 6, 132,572.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. Further, Applicant notes the claims have been amended for reasons relating to clarity, rather than patentability. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections of pending claims 1-6. Favorable

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action with an early allowance of the claims pending in this application is earnestly solicited. The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

Respectfully submitted,

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